

Exhibit 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Civil Action No. 3:20-cv-00019**

WILLIAM F. MACKEY,

Plaintiff,

v.

WELLS FARGO BANK, N.A.

Defendant.

**Plaintiff's Initial Disclosures Pursuant to
FRCP 26(a)(1)**

NOW COMES Plaintiff, William Mackey ("Plaintiff"), by and through the undersigned counsel and pursuant to Rule 26(a)(1)(A) of the Federal Rules of Civil Procedure, and provides the following initial disclosures. These disclosures are based on information that is presently available to Plaintiff after a reasonable investigation. Plaintiff reserves the right to revise, correct, supplement, or clarify these disclosures should additional information become known to Plaintiff between now and the time of trial, consistent with Rule 26(e) of the Federal Rules of Civil Procedure. Plaintiff also reserves the right to present witnesses and to introduce evidence and documents that may be disclosed in supplemental disclosures, become known through the discovery process, or be disclosed in other pre-trial disclosures. Plaintiff also reserves his rights under attorney-client privilege and attorney work product doctrine.

[Disclosures begin on the following page]

Disclosures

Rule 26(a)(1)(A)(i): The name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment.

a) The Plaintiff has knowledge and information regarding the facts and claims asserted in his complaint. He can be contacted through counsel:

Mr. William Mackey
c/o Jordan Burke, Counsel for Plaintiff
Vennum, PLLC
8510 McAlpine Park Drive
Suite 210
Charlotte, NC 28211
Phone: 980-338-0111

b) Provided below are the names of Wells Fargo employees who were members of Plaintiff's team or members of management at the time Plaintiff was hired in July 2010 and their job titles at the time. These individuals have knowledge and information regarding the facts in Plaintiff's Complaint. These individuals are:

Nancy Mank – Hiring Manager
1755 Grant Street
Floor 04
Concord, CA 94520-3145
Work phone number: (925) 536-3145
Work email: mankn@wellsfargo.com

Laura Richardson – Operations Manager
401 S Tryon Street
Floor 05
Charlotte, NC 28202-1911
Work phone number: (704) 715-6329
Work email: laura.richardson@wellsfargo.com
Joel Williams – Security Operations Specialist 5 (Team Lead)
1525 W WT Harris Blvd

Floor 04
Charlotte, NC 28262-8522
Work phone number: (704) 590-2021
Work email: joel.williams1@wellsfargo.com

Ben Hood – Security Operations Specialist 4
1525 W WT Harris Blvd
Floor 04
Charlotte, NC 28262-8522
Work phone number: (704) 427-1473
Work email: ben.hood@wellsfargo.com

John Irwin – Securities Operations Service Specialist 4
300 N 3rd Street
Floor 02
Wilmington, NC 28401-4098
Work phone number: (910) 342-2084
Work email: john.irwin@wellsfargo.com

Kathie Elizabeth Little – Security Operations Service Specialist 3
1100 Corporate Center Dr Bldg B
Floor 01
Raleigh, NC 27607-5066
Work phone number: (919) 852-9649
Work email: Kathie.little@wellsfargo.com

Josephine Hernandez Torres – Operations Analyst (This individual is no longer employed at Wells Fargo and Plaintiff does not have knowledge of her current contact information.)

c) The following is a list of fellow team members with whom Plaintiff discussed his complaint. These team members have knowledge and information regarding the facts in Plaintiff's complaint.

Shannon Claytor – Employee Relations Senior Consultant
1300 SW 5th Ave
Floor 00
Portland, OR 97201-5667
Work phone number: (541) 674-9627
Work email: Shannon.claytor@wellsfargo.com

Brandi Dotson – Fiduciary Tax Director, Senior Vice President
2605 SW 91st St

Floor 01
Gainesville, FL 32608-2709
Cell phone number: (980) 279-9706
Work email: brandi.dotson@wellsfargo.com

Sara Vanderlugt – Fiduciary Tax Manager
600 S 4th St
Floor 14
Minneapolis, MN 55415-1526
Cell phone number: (612) 723-7815
Work email: sara.vanderlugt@wellsfargo.com

Danny S. Nethken – Operations Manager
1525 W WT Harris Blvd
Floor 04
Charlotte, NC 28262-8522
Work phone number: (704) 427-4751
Work email: Danny.S.Nethken@wellsfargo.com

Bob Blood – Operations Manager (Mr. Blood has retired since Plaintiff's hiring at Wells Fargo and was replaced by Brandi Dotson. Plaintiff does not have knowledge of his current contact information.)

Rule 26(a)(1)(A)(ii): A copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment.

- a) The documents Plaintiff has in his possession, custody, and control at this time include:
 - 1. Paperwork from the Charlotte Equal Employment Opportunity Commission (EEOC) office related to Plaintiff's charge against Defendant.
- b) Plaintiff does not have in possession, custody, or control any tangible things at this time, however, Plaintiff will produce such things if any become available.

- c) Electronically stored information that Plaintiff has in his possession, custody, and control at this time include:
1. Email communication with team members Brandi Dotson, Danny Nethken, and Shannon Claytor regarding the facts of his complaint;
 2. Annual Compensation Summary Statements that reflect his job title, previous annual salary, and current annual salary;
 3. Pay stubs from Defendant reflecting his rate of pay, including the \$21,788.31 in retroactive pay that Plaintiff received in February 2019; and
 4. Pay scale information for his job title as of 2010 and 2019.
- d) The above reference documents are located at the offices of Vennum PLLC.

Rule 26(a)(1)(A)(iii): A computation of each category of damages claimed by the disclosing party—who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of the injuries suffered.

- a) **Back Pay: \$69,061.64.** Mr. Mackey earned **\$330,878.00** from 2010-2019. If he had been paid at the median pay range he would have earned **\$399,939.64**. This amount does not account for the promotions and accompanying increased wages Mr. Mackey would have received had his salary not barred him from being eligible for certain promotion opportunities.

Year	Salary	2% Raise	Total Salary
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Y1	\$41,000 (midpoint)	--	\$41,000
Y2	\$41,000.00	\$820.00	\$41,820
Y3	\$41,820.00	\$836.40	\$42,656.40
Y4	\$42,656.40	\$853.23	\$43,509.53
Y5	\$43,509.53	\$870.19	\$44,379.72
Y6	\$44,379.72	\$887.59	\$45,267.31
Y7	\$45,267.31	\$905.35	\$46,172.66
Y8	\$46,172.66	\$923.45	\$47,096.05
Y9	\$47,096.05	\$941.92	\$48,037.97
			Total Pay: \$399,939.64

b) Retirement Benefits. Because the amount Wells Fargo contributed to an employee's 401K was equal to 6% of the employee's salary, Mr. Mackey's benefit were affected by the discrimination as well. From 2010-2019, Wells Fargo contributed **an amount less than \$23,634.09** when it would have contributed **\$23,634.09** if it had started Mr. Mackey at the midpoint. Mr. Mackey is entitled to the difference between these amounts.

Year	Salary	6% Contribution
Y1	\$41,000.00 (midpoint)	\$2,460.00
Y2	\$41,000.00	\$2,460.00
Y3	\$41,820.00	\$2,509.20
Y4	\$42,656.40	\$2,559.38
Y5	\$43,509.53	\$2,610.57
Y6	\$44,379.72	\$2,662.78

Y7	\$45,267.31	\$2,716.04
Y8	\$46,172.66	\$2,770.36
Y9	\$47,096.05	\$2,825.76
Total Contribution: \$23,634.09		

- c) **Lost Opportunities.** Plaintiff reserves the right to amend this section to include calculations for the lost advancement opportunities, specifically promotion from an SES III to an SES IV, and their accompanying increase in compensation and contribution to benefits due to Mr. Mackey's initial low position on the pay scale.
- d) The evidentiary documents supporting this amount, including Mr. Mackey's pay stubs and Wells Fargo's general salary practices to the extent that Mr. Mackey knows about such information, are located at the office of Vennum Law.
- e) Plaintiff also reserves the right to adjust the numbers in the section to reflect any newly acquired information, including information about actual amounts paid to other, non-protected class employees, rather than the median pay range.

Plaintiff reserves the right to supplement and amend any of the above disclosures as permitted under the Federal Rules of Civil Procedure.

THIS THE 18TH DAY OF MARCH, 2020.

VENNUM, PLLC

**By: /s/ Jordan Burke
JORDAN A. BURKE
N.C. State Bar No. 54778
ELIZABETH K. VENNUM
NC State Bar No. 49747
Counsel for Plaintiff
8510 McAlpine Park Drive
Suite 210
(980) - 338 - 0111**

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served by email and by United States Mail to counsel for Wells Fargo Bank, N.A. as follows:

Frederick T. Smith
Ethan Goemann
SEYFARTH SHAW LLP
121 West Trade Street, Suite 2020
Charlotte, NC 28202
FSmith@seyfarth.com
EGoemann@seyfarth.com
Counsel for Defendant

This is the 18th day of March, 2020.

By: /s/ **Jordan Burke**
Jordan Burke
Vennum, PLLC